

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS A. ACEVEDO GARCÍA, ET ALS.

Plaintiffs

Vs.

**HON. ROBERTO VERA-MONROIG, ET
ALS**

Defendants

Civil No. : 97-2639 (JP)

MOTION FOR WRIT OF EXECUTION AND OTHER REMEDIES

COME NOW, Plaintiffs, through the undersigned attorney, who very respectfully states and prays as follow:

On March 19, 2007 we filed a Motion entitled “Motion for Execution of Judgment” which is still pending before this Honorable Court (docket # 491) the reason for our Motion was defendant’s failure to comply with the Final Judgment entered on November 14, 2006 (Docket 489) and the terms of payment stated in the Settlement Agreement. (Docket 490) As stated before the actual mayor of Adjuntas, Honorable Jaime Barlucea signed the Agreement.

In said judgment the defendants agreed to pay plaintiffs the amount of \$12.5 million dollars. Payment was to be made within 120 days from the entry of judgment that is they had until March 15, 2007. As of today, the Municipality of Adjuntas has failed to pay its obligation under the aforementioned settlement agreement.

The partial payment of \$615,000.00 that they informed they were going to make, as of today has not been produced and the payment of the \$10,596.53 that they still owe to the first 20

plaintiffs, it has not even been addressed by defendants in their Motions. This all adds to, that despite this Honorable Court and the First Circuit Court warnings as to defendants failure to comply with the District Court's Order they still owe the total amount agreed to settle the remaining 62 claims and the amount owed to the first 20 plaintiff which adds to \$12,510,596.53.

We reiterate all of our previous petitions in our March 19, 2007 Motion. Pursuant to Federal Rules of Civil Procedure 69 we request that an Order of Execution of Judgment be entered against the Municipality of Adjuntas and that the U.S. Marshall be ordered to proceed forthwith and seize any and all money, funds, and/or property of defendant Municipality of Adjuntas, up to the amount of \$12,510,596.53 plus interest at the legal rate from November 14, 2006 until full payment is received. The money to be seized shall include, but is not limited to, any and all monies deposited in any financial institution located in the Commonwealth of Puerto Rico, including but not limited to, Banco Popular de Puerto Rico, First Bank, Westernbank, Oriental Bank & Trust, Doral Financial Corporation, HF Mortgage Bankers, Eurobank, Banco Santander, Banco Bilbao Vizcaya Argentaria (BBVA), and the Government Development Bank of the Commonwealth of Puerto Rico. It shall also include any monies retained, held or otherwise deposited with the Department of Treasury of the Commonwealth of Puerto Rico, the Municipal Collections Center (C.R.I.M.) and any other financial institution holding deposits. The funds to be seized shall be funds retained, held or otherwise deposited in accounts in the name of, or on behalf of the Municipality of Adjuntas.

In addition to the requested Order of Execution, the appearing plaintiffs also respectfully request that the mayor of Adjuntas, the Honorable Jaime Barlucea, show cause why he should not be held in contempt for failing to comply with the clear directive and order of this Honorable Court, contained in the Final Judgment and in the Settlement Agreement which he signed and agreed to comply with. Likewise, we respectfully request that sanctions be imposed against the

Municipality of Adjuntas for said failures.

Lastly, we respectfully request that attorney's fees be imposed against the Municipality of Adjuntas for the frivolous and contumacious behavior it has shown towards complying with the terms of the settlement agreement, which has required the filing of several post-judgment motions and other numerous time and energy consuming tasks, for which plaintiffs should be compensated.

WHEREFORE the appearing plaintiffs respectfully pray to the Honorable Court that the present motion be **Granted**.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the attorneys in this case.

RESPECTFULLY SUBMITTED

In Aguadilla, Puerto Rico, this 23^{er} day of April of 2007.

s/ Israel Roldán Gonzalez
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